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STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY MO 64106-2150

In re Application of :
Kaladelfos :
Application No.: 10/580,756 :
PCT No.: PCT/AU04/01674 :
Int. Filing Date: 26 November 2004 : DECISION
Priority Date: 27 November 2003 :
Attorney Docket No.: 801948-0008 :
For: Ligature Carrier :

This is in response to the petition under 37 CFR 1.181 filed on 25 January 2008.

BACKGROUND

This international application was filed on 26 November 2004, claimed an earliest priority date of 27 November 2003, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 09 June 2005. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 27 May 2006. On 26 May 2006, applicant filed *inter alia* the basic national fee.

On 13 February 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner states in part that "A Response to the Notification of Missing Requirements Under 35 U.S.C. § 371 was filed with the U.S. Patent and Trademark Office on April 5, 2007 in connection with the above-identified application." Petitioner provides a "copy of the Response, Declaration and the return postcard..." Inspection of the copy of a return postcard receipt which accompanies the petition reveals that it references the instant application number, itemizes a check in the amount of \$65.00, a Response and a 2-page Declaration, and is stamped as received by "OIPE" on "APR 10 2007." MPEP 503 states in part that

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Following the policy described at MPEP 503, the copy of the declaration document received on 25 January 2008 is being regarded as a copy of the declaration originally filed on 10 April 2007, and itemized on the postcard receipt. Review of the declaration reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b). It is noted that the records of the USPTO show that the surcharge was paid on 10 April 2007. Therefore, applicant is

regarded as having timely complied with the requirements of the Notification of Missing Requirements mailed on 13 February 2007.

CONCLUSION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **10 April 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459